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RHMFISS/HQ USAFRICOM STUTTGART GE
RHEBAAA/DEPT OF ENERGY WASHDC
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RUEAIIA/CIA WASHINGTON DC
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SIPDIS

DEPT FOR AF/W, INR/AA

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TAGS: [PGOV](#) [NI](#)

SUBJECT: NIGERIAN SENATE PRESIDENT WINS APPEAL, NAMED
WINNER OF ELECTION

REF: A. 2007 ABUJA 1750

[1](#)B. ABUJA 355

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b
& d).

[1](#)1. (U) July 15th, the Appeals Court in Jos announced that Nigerian Senate President David Mark had won his bid to overturn the decision of the Makurdi election tribunal, which had nullified his election and ordered a rerun in two districts. The Appeals Court determined that the lower tribunal had erred and outright declared Mark the winner of the election.

[1](#)2. (C) As reported ref. B, last February, the Makurdi election tribunal had annulled the 2007 election results and ordered a rerun in two of the nine Local Government Areas (LGAs) which make up the Benue South Senatorial district. As a result of this earlier verdict, Mark apparently trailed the All Nigeria People's Party (ANPP) candidate, Alhaji Usman Maishanu Abubakar, by 74,000 votes in the total tally from the other seven LGAs. Given a combined total of 135,000 registered voters in the two remaining LGAs and turnouts well under 50% nationwide, it would have been next to impossible for Mark to have won in any rerun, given his 74,000 vote deficit.

[1](#)3. (C) COMMENT: Post has yet to see a copy of the verdict, though the decision does not seem to be a harbinger of greater electoral transparency. Indeed, as we have reported, Mark's initial election was one of the most dubious results in the April 2007 polls. Regardless, Mark's victory means he will remain President of the Senate (the third-ranking position in the GON in protocol terms) and, as such, a significant player on the Nigerian political scene. END
COMMENT.
SANDERS